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U.S. PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	ICI 104 DIV
First Inventor	Michael Hensel
Title	Attenuated Salmonella SP12 Mutants as Antigen Carriers
Express Mail Label No.	EL 717 745 719 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

- Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 113]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 31]
- Oath or Declaration [Total Sheets \_\_\_\_\_]
  - Newly executed (original or copy)
  - Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

- CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - CD-ROM or CD-R (2 copies); or
    - Paper
  - Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- Assignment Papers (cover sheet & document(s))
- 37 CFR 3.73(b) Statement of Assignment [Power of Attorney] (when there is an assignee)
- English Translation Document (if applicable)
- Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- Certified Copy of Priority Document(s) (if foreign priority is claimed)
- Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.: 09/763,620

Prior application information: Examiner Shah Art Unit: 1645  
For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number: 23579 OR  Correspondence address below

Name	Patrea L. Pabst, Holland & Knight LLP		
Address	2000 One Atlantic Center 1201 West Peachtree Street		
City	Atlanta	State	GA
Country	United States of America	Telephone	(404) 817-8473
		Zip Code	30309-3400
		Fax	(404)817-8588

Name (Print/Type)	Rivka D. Monheit	Registration No. (Attorney/Agent)	48,731
Signature	<i>Rivka D. Monheit</i>	Date	January 23, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**FEE TRANSMITTAL**  
**for FY 2004**  
*Effective 10/01/2003. Patent fees are subject to annual revision.*

**Complete if Known**

Application Number	Divisional of 09/763,620
Filing Date	January 23, 2004
First Named Inventor	Michael Hensel
Examiner Name	
Art Unit	
Attorney Docket No.	ICI 104 DIV

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 3,356.00

**METHOD OF PAYMENT** (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number: **50-1868**

Deposit Account Name: **Holland & Knight LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION** (continued)

**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 0.00

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$) 770.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid	
Total Claims	92	-20** =	72	x	18.00	=	1,296
Independent Claims	18	-3** =	15	x	86.00	=	1,290
Multiple Dependent							

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$) 2,586.00

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY** (Complete if applicable)

Name (Print/Type)	Rivka D. Monheit	Registration No. (Attorney/Agent)	48,731	Telephone	(404) 817-8514
Signature	<i>Rivka D. Monheit</i>	Date	January 23, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

ICI 104 DIV (ICOW/P28005US) - 078230/00034

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Michael Hensel, David William Holden, and Jacqueline Elizabeth Shea

Serial No.: Divisional of 09/763,620

Express Mail Label  
No. EL 717 745 719 US

Filed: January 23, 2004

Date of Deposit: January 23, 2004

For: *ATTENUATED SALMONELLA SP12 MUTANTS AS ANTIGEN CARRIERS*

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), Applicants enclose for filing the attached new patent application entitled "*Attenuated Salmonella SP12 Mutants as Antigen Carriers*". This application is a divisional of pending prior application Serial No. 09/763,620 filed March 2, 2001, entitled "*Attenuated Salmonella SP12 Mutants as Antigen Carriers*", which is a filing under 35 USC §371 of PCT/EP99/06514 (WO 00/14240) filed September 3, 1999, which claims priority to European Patent Application No. 98116827.1 filed September 4, 1998. The application includes 1 page of abstract, 94 pages of specification, 18 pages of claims, 31 sheets of informal drawings, and 56 pages of Sequence Listing.

Divisional of U.S.S.N. 09/763,620  
Filed: January 23, 2004  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 745 719 US  
Date of Deposit: January 23, 2004

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. Enclosed are 56 pages of Sequence Listing and a 3.5" diskette containing a computer-readable form of the Sequence Listing. The Sequence Listing for the new application is identical to the computer-readable and paper forms of the Sequence Listing filed on September 26, 2003 in Serial No. 09/763,620, with the exception of one clerical error which has been corrected on the enclosed 56 pages of Sequence Listing and 3.5" diskette.

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing being incorporated into the new application, except for the correction of one clerical error; that the Sequence Listing does not add new matter to the application; and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal.

This application is not entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

The commissioner is hereby authorized to charge Deposit Account 50-1868 in the amount of \$3,356.00 to cover the filing fee for a large entity. It is believed that this is the proper filing fee since the application includes 18 independent claims and a total of 92 claims upon

Divisional of U.S.S.N. 09/763,620  
Filed: January 23, 2004  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 745 719 US  
Date of Deposit: January 23, 2004

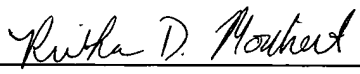
entry of the enclosed Preliminary Amendment. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868.

All correspondence concerning this application should be mailed to:

Customer No. 23579  
Patrea L. Pabst, Esq.  
HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, GA 30309-3400

This application is being filed on January 23, 2004, by mailing the application to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,

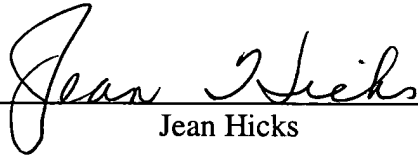
  
\_\_\_\_\_  
Rivka D. Monheit  
Reg. No. 48,731

Date: January 23, 2004  
HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
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(404) 817-8514 (Telephone)  
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Divisional of U.S.S.N. 09/763,620  
Filed: January 23, 2004  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 745 719 US  
Date of Deposit: January 23, 2004

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, January 23, 2004, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 745 719 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Jean Hicks

January 23, 2004

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